

House Bill 962

By: Representatives Holt of the 112th, Burkhalter of the 50th, Watson of the 91st, and Floyd of the 99th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of territory, so as to provide for a short title; to establish state policy regarding annexation; to provide that no municipality may annex property in which certain services are provided by the county or which is included in the county's comprehensive zoning plan unless the county consents; to provide for an injunction; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Fair Annexation Act."

SECTION 2.

Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of territory, is amended by adding immediately following Code Section 36-36-1 a new Code Section 36-36-1.1 to read as follows:

"36-36-1.1.

Notwithstanding any other provision of this chapter, it is declared to be the policy of this state that:

(1) The adjustment of municipal boundaries by annexation may be an appropriate exercise of municipal powers but only when necessary to accommodate the natural growth of a community by providing urban services not otherwise available to residents and property owners outside municipal boundaries;

(2) Annexation is not in the best interest of residents and property owners inside and outside the boundaries of a municipality when the objective or purpose of an annexation is the generation of new municipal revenues rather than community building; and

1 (3) Annexation should be mutually beneficial for all affected parties and should not
2 occur at the expense of counties, school districts, or municipal or unincorporated
3 residents or property owners affected by annexation."

4 **SECTION 3.**

5 Said chapter is further amended by striking Code Section 36-36-70 and inserting in lieu
6 thereof the following:

7 "36-36-70.

8 (a) The General Assembly finds that annexation may create service delivery problems for
9 counties that provide certain urban services and may also undermine the comprehensive
10 plans or land use controls established by counties pursuant to Article IX, Section II,
11 Paragraph IV of the Georgia Constitution. As such, the intent of this Code section is to
12 provide a procedure to minimize negative effects of annexation on county services and
13 facilities in counties wherein annexation is proposed as well as on residents and property
14 owners in such counties.

15 (b) The government of no municipality of this state may annex to the existing corporate
16 limits of such municipality, by any method authorized pursuant to this chapter, any
17 unincorporated area in which water, sewerage, law enforcement, fire protection, and
18 garbage or refuse collection is furnished or is to be furnished by the county, directly or by
19 contract, in which such unincorporated area is situated, or where the county has included
20 such unincorporated area in the comprehensive zoning plan of the county, without first
21 obtaining the approval of the governing authority of the county and must be duly recorded
22 upon the minutes of such body. The owner of any real property situated in such county
23 shall have the right to enjoin any municipality which has not obtained the required approval
24 of the governing authority of the county from exercising any municipal powers, functions,
25 or duties over the unincorporated area improperly sought to be annexed to the existing
26 corporate limits by an action for injunction filed in the superior court of the county in
27 which the territory proposed for annexation is situated."

28 **SECTION 4.**

29 This Act shall become effective upon its approval by the Governor or upon its becoming law
30 without such approval.

31 **SECTION 5.**

32 All laws and parts of laws in conflict with this Act are repealed.